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13 LOHK 10

(c) Government of the Hong Kong Special Administrative Region.
The Laws of Hong Kong

GUARDIANSHIP OF MINORS ORDINANCE (CAP. 13)

CROSS-HEADING:

PART IV - ORDERS FOR CUSTODY AND MAINTENANCE

SECTION: 10 Orders for custody and maintenance on application of either parent

DATE-IN-FORCE: 30 May 2003

13 LOHK 10

(1) The court may, on the application of either of the parents of a minor (who may apply without next friend) or the Director of Social Welfare, make such order regarding-(Amended 65 of 1986 s. 3)

- (a) the custody of the minor; and
- (b) the right of access to the minor of either of his parents, as the court thinks fit having regard to the welfare of the minor and to the conduct and wishes of the parents.

(2) The court may as regards a minor, on the application of a person with whom, whether by virtue of an order under subsection (1) or otherwise, custody of the minor lies at law, make in respect of the minor any one or more of the following orders-

(a) an order requiring payment to the applicant by the parent or either of the parents of the minor of such lump sum (whether in one amount or by instalments) for the immediate and non-recurring needs of the minor or for the purpose of enabling any liabilities or expenses reasonably incurred in maintaining the minor before the making of the order to be met, or for both, as the court thinks reasonable having regard to the means of that parent;

(b) an order requiring payment to the applicant by such parent or either of such parents of such periodical sum towards the maintenance of the minor as the court thinks reasonable having regard to the means of that parent;

(c) an order requiring the securing to the applicant by such parent or either of such parents, to the satisfaction of the court, of such periodical sum towards the maintenance of the minor as the court thinks reasonable having regard to the means of that parent;

(d) an order requiring the transfer to the applicant for the benefit of the minor, or to the minor, by such parent or either of such parents, of such property, being property to which the parent is entitled (either in possession or reversion), as the court thinks reasonable having

regard to the means of that parent;

(e) an order requiring the settlement for the benefit of the minor, to the satisfaction of the court, of such property, being property to which such parent or either of such parents is so entitled, as the court thinks reasonable having regard to the means of that parent. (Replaced 80 of 1997 s. 78)

(3) An order may be made under subsection (1) or (2) notwithstanding that the parents of the minor are then residing together, but-

(a) no such order shall be enforceable, and no liability thereunder shall accrue, while they are residing together; and

(b) any such order shall cease to have effect if for a period of 3 months after it is made they continue to reside together: Provided that, unless the court in making the order direct otherwise, paragraphs (a) and (b) shall not apply to any provision of the order giving the custody of the minor to a person other than one of the parents or made with respect to a minor of whom custody is so given.

(4) An order under subsection (1) or an order under subsection (2) (other than an order for a lump sum payment in one amount, for a lump sum to be paid in instalments where all such instalments have been paid or for the transfer of property) may be varied, discharged, suspended or revived after being so suspended, by a subsequent order made on the application of either parent or after the death of either parent on the application of any guardian under this Ordinance, or (before or after the death of either parent) on the application of any other person having the custody of the minor by virtue of an order under subsection (1). (Amended 65 of 1986 s. 3; 17 of 1993 s. 19) [cf. 1973 c. 29 Sch. 2 Pt. II U.K.]

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